

Supply of the Treasury.



Acts and Laws

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England* : Begun and held at *Boston* upon Wednesday the twenty-ninth Day of *May* 1745. And continued by Adjournments and Prorogations to Wednesday the eleventh Day of *December* following.

CHAP. X.

An Act for supplying the Treasury with the Sum of *fifty Thousand Pounds* for discharging the publick Debts &c. and for drawing in the said Bills into the Treasury again.

WHERE it enacted by the Governour, Council and House of Representatives, That the Treasurer be and hereby is impowered and ordered to emit and issue forth the Sum of *fifty Thousand Pounds* in Bills of Credit of the last Tenor and Date now lying in his Hands, and received in for Taxes, Impost and Excise, which shall pass in all publick Payments equal to other new Tenor Bills emitted since One Thousand seven Hundred and forty, or if there shall not be a Sufficiency of such Bills, that then the Committee appointed by this Court for signing Bills are hereby directed and impowered to take Care and make effectual Provision as soon as may be to imprint so many as may be needed to compleat the said Sum, and to sign and deliver the same to the Treasurer, taking his Receipt for the same, and the said Committee shall be under Oath for the faithful Performance of the Trust by this Act reposed in them, and the said Sum of *fifty Thousand Pounds* shall be issued out of the Treasury in Manner and for the Purposes following, viz. The Sum of *five Thousand seven Hundred and ninety Pounds*,

50,000 l.
Bills of Credit to be emitted.

Supply of the Treasury.

5790 l. for
Wages at
Castle *William*
and other
Garrisons

16000 l. for
putting the
Province in-
to a better
Posture of
Defence &c.

2000 l. for
Payment of
his Majesty's
Council, and
other Grants
&c.

1210 l. for
Debts where
there is no
Establish-
ment.

25000 l. for
the Charges
of the Expe-
dition against
Cape-Brston.

Surplusage
to lie in the
Treasury.

Warrants to
express the
Appropriati-
ons.

25000 l. in
1755.

Part of the aforesaid Sum of *fifty Thousand Pounds*, shall be applied for the Payment of Wages that now are, or that hereafter may be due, by Virtue of the Establishment of *Castle William*, *Frederick Fort*, *Richmond Fort*, *George's Truck-House*, *Saco Truck-House*, *Brunswick Fort*, and the Sloop in the Country's Service; and the Sum of *sixteen Thousand Pounds*, Part of the aforesaid Sum of *fifty Thousand Pounds*, shall be applied for putting the Province into a better Posture of Defence, for completing the Repairs at *Castle William* and other Forts, for paying of such Officers and Soldiers as have done Service for the Province whose Wages are now due, which Officers and Soldiers shall be paid out of this Appropriation preferable to any other Service, and for such Officers and Soldiers as are or may be in the Province Service according to the several Establishments for that Purpose, for purchasing all needful warlike Stores, and for the Commissary's necessary Disbursements for the Service of the several Forts and Garrisons and other Forces within this Province, pursuant to such Grants as are or shall be made by this Court for those Purposes; and the Sum of *Two Thousand Pounds*, Part of the aforesaid Sum of *fifty Thousand Pounds*, shall be applied for the Payment of His Majesty's Council, and such other Grants as are or shall be made by this Court, and for the Payment of Stipends, Bounties and Premiums established by Law, and for the Payment of all other Matters and Things which this Court have or shall, either by Law or Orders provide for the Payment of out of the publick Treasury, and for no other Purpose whatsoever; and the Sum of *One Thousand two Hundred and ten Pounds*, Part of the aforesaid Sum of *fifty Thousand Pounds*, shall be applied for the discharging of other Debts owing from this Province to Persons that have served or that shall serve them by Order of this Court, in such Matters and Things where there is no Establishment, nor any certain Sum assigned for such Service, and for Paper, Printing and Writing for this Court, the Surgeon of *Castle William*, and wooding of said Castle; and the remaining Sum of *twenty five Thousand Pounds*, Part of the aforesaid Sum of *fifty Thousand Pounds*, shall be applied to defrey the Charge of the late Expedition against His Majesty's Enemies at *Cape-Brston* and Parts adjacent, and for making further necessary Provision for the Service of His Majesty's Works and Forces there.

And be it further enacted, That if there be a Surplusage in any Sum appropriated, such Surplusage shall lie in the Treasury for the further Order of this Court.

And be it further enacted, That each and every Warrant for drawing Money out of the Treasury, shall direct the Treasurer to take the same out of such Sums as are respectively appropriated for the Payment of such publick Debts as the Draughts are made to discharge, and the Treasurer is hereby directed and ordered to pay such Money out of such Appropriation as directed to, and no other, upon Pain of refunding all such Sum or Sums as he shall otherwise pay, and to keep exact and distinct Accompts of all Payments made out of such appropriated Sums; and the Secretary, to whom it belongs to keep the Muster Roll and Accompts of Charge, shall lay before the House when they direct, all such Muster Rolls and Accompts after Payment thereof.

And as a Fund and Security for drawing the said Sum of fifty Thousand Pounds into the Treasury again:

Be it further enacted, That there be and hereby is granted unto His most excellent Majesty for the Ends and Uses aforesaid, a Tax of *twenty five Thousand Pounds*, to be levied on Polls and Estates both Real and Personal within this Province, according to such Rules and in such Proportions on the several Towns and Districts within the same as shall be agreed upon and ordered by this Court at their Session in *May* One Thousand seven Hundred

and

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and fifty five, and paid into the publick Treasury on or before the last Day of *December* then next after.

And as a further Fund and Security for drawing in the said Sum of fifty Thousand Pounds into the Treasury again :

Be it further enacted, That there be and hereby is granted unto His most excellent Majesty for the Ends and Uses aforesaid, a Tax of *twenty five Thousand Pounds*, to be levied on Polls and Estates both Real and Personal within this Province, according to such Rules and in such Proportions on the several Towns and Districts within the same, as shall be agreed upon and ordered by this Court at their Session in *May* One Thousand seven Hundred and fifty six, and paid into the publick Treasury on or before the last Day of *December* then next after. 25000 l. in 1756.

And be it further enacted, That in Case the General Court shall not at their Session in *May* One Thousand seven Hundred and fifty five, and One Thousand seven Hundred and fifty six, agree and conclude upon an Act apportioning the Sum which by this Act is engaged shall be in those Years apportioned, assessed and levied, that then and in such Case each Town and District within this Province shall pay (by a Tax to be levied on Polls and Estates both Real and Personal within their Districts) the same Proportions of the said Sums as the said Towns and Districts shall have been taxed by the General Court in the Tax Act then next preceeding, and the Province Treasurer is hereby fully impowered and directed some Time in the Month of *June*, in the Year One Thousand seven Hundred and fifty five, and One Thousand seven Hundred and fifty six, to issue and send forth his Warrants directed to the Select-Men or Assessors of each Town and District within this Province, requiring them to assess the Polls and Estates both Real and Personal within their several Towns and Districts, for their respective Part and Proportion of the Sum before directed and engaged to be assessed by this Act ; and the Assessors, as also Persons assessed, shall observe, be governed by, and subject to all such Rules and Directions as shall have been given in the next preceeding Tax Act. Tax for the Money here- by emitted to be made according to the preced- ing Tax Act, in Case.

And be it further enacted, That the Inhabitants of this Province shall have Liberty, if they see fit, to pay the several Sums for which they respectively may in Pursuance of this Act be assessed in Bills of Credit of the Form and Tenor by this Act emitted, or in other new Tenor Bills, or in Bills of the middle Tenor according to their several Denominations, or in Bills of the old Tenor, accounting Four for One, or in coined Silver at *seven Shillings and six Pence* per Ounce Troy Weight and of Sterling Alloy, or in Gold Coin proportionably, or in merchantable Hemp, Flax, Winter and Isle of *Sable* Cod-Fish, refined Bar-Iron, Bloomery Iron, hallow Iron Ware, Indian Corn, Rye, Wheat, Barley, Pork, Beef, Duck or Canvas, Whale-Bone, Cordage, Train Oil, Bees-Wax, Bayberry-Wax, Tallow, Peas, Sheep's Wool, or tann'd Sole Leather, the aforesaid Commodities being of the Produce or Manufactures of this Province, at such moderate Rates and Prices as the General Assembly of the Years One Thousand seven Hundred and fifty five, and One Thousand seven Hundred and fifty six, shall set them at, the several Persons paying their Taxes in any of the Commodities afore-mentioned, to run the Risque and pay the Charge of transporting the said Commodities to the Province Treasury. But if the aforesaid General Assembly shall not at their Sessions in *May*, some Time before the twentieth Day of *June* in each Year, agree upon and set the aforesaid Species and Commodities at some certain Price, that then the eldest Councillor for the Time being of each of those Counties in the Province, of which any one of the Council is an Inhabitant, together with the Province Treasurer, or the major Part of them, be a Committee Taxes to be paid in the several Species herein enumerated.

committee

How the
Commodi-
ties brought
into the
Treasury are
to be rated.

Treasurer to
sell the said
Commodi-
ties.

mittee, who hereby are directed and fully authorized and impowered to do it, and in their settling the Prices and rating the Value of those Commodities, to state so much of them respectively at *seven Shillings and six Pence*, as an Ounce of Silver will purchase at that Time in the Town of *Boston*, and so *pro rata*; and the Treasurer is hereby directed to insert in the several Warrants by him sent to the several Collectors of the Taxes in each Year (with the Names of the afore-recited Commodities) the several Prices or Rates which shall be set on them either by the General Assembly or the Committee aforesaid, and direct the aforesaid Collectors to receive them so; and the aforesaid Commodities so brought into the Treasury shall as soon as may be, be disposed of by the Treasurer to the best Advantage for so much as they will fetch in Bills of Credit hereby to be emitted, or for Silver or Gold, which Silver and Gold shall be delivered to the Possessors of said Bills in Exchange for them: *That is to say*, One Ounce of Silver Coin, and so Gold in Proportion, for *seven Shillings and six Pence*, and so *pro rata* for a greater or less Sum; and if any Loss shall happen by the Sale of the aforesaid Species, or by any unforeseen Accident, such Deficiency shall be made good by a Tax of the Year next following, so as fully and effectually to call in the whole Sum of *fifty Thousand Pounds* in said Bills hereby ordered to be emitted, and if there be a Surplusage, it shall remain a Stock in the Treasury.

CHAP. XI.

An Act in addition to an Act made and pass'd in the eighteenth and nineteenth Year of his present Majesty, intituled *An Act for granting unto his Majesty an Excise upon Wines and Spirits distilled sold by Retail, and upon Limes and Lemmons.*

Preamble.

WHEREAS notwithstanding the Provision made in and by an Act made and pass'd in the eighteenth and nineteenth Year of his present Majesty, intituled *An Act for granting unto his Majesty an Excise upon Wines and Spirits distilled sold by Retail, and upon Limes and Lemmons*; many Persons in Violation of said Act, do in a private and clandestine Manner sell without Licence Wines and spirituous Liquors by Retail, and in order to prevent the Means of Detection and Conviction, Indian, Negro and Molatto Slaves, Children and others under Age of Discretion, are employed and sent to receive such Wines and spirituous Liquors, and by this and other Means the good Intent of the aforesaid Law has in a great Measure been frustrated:

For the more effectual Prevention of all Offences against said Act for the future;

Penalty for
selling strong
Drink to any
Indian, Ne-
gro, &c.

Be it therefore enacted by the Governour, Council and House of Representatives, That when and so often as any Person shall be complained of for selling any strong Drink without Licence to any Indian, Negro or Molatto Slave, or to any Child or other Person under the Age of Discretion, and upon the Declaration of any such Indian, Negro or Molatto Slaves, Child or other Person under the Age of Discretion, and other Circumstances concurring, it shall appear to be highly probable in the Judgment of the Court or Justice before whom the Trial shall be, that the Person complained of

Excise.

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or is guilty, then and in every such Case, unless the Defendant shall acquit him or herself upon Oath (to be administered to him or her by the Court or Justice that shall try the Cause) such Defendant shall forfeit and pay *three Pounds* to the Farmer of Excise, and Costs of Prosecution, but if the Defendant shall acquit him or herself upon Oath as aforesaid, the Court or Justice may and shall enter up Judgment for the Defendant to recover Costs.

*And whereas in and by the aforesaid Act it is provided, "That when and Recitation
"so often as it shall be observed that there is a Resort of Persons to Houses of a former
"suspected to sell strong Drink without Licence, any Justice of the Peace Act.
"shall have full Power to convene such Persons before him, and examine
"them upon Oath concerning the Person suspected of selling or retailing
"strong Drink in such Houses, Out-Houses or other Dependencies thereof,
"and on just Grounds to bind over the Person suspected and the Witnesses
"to the next Court of General Sessions of the Peace in the County where
"such Person shall dwell." And the aforesaid Clause has been construed and
understood to restrain such Justice from proceeding to Trial, and giving Judgment
in the Case of such suspected Person;*

Be it further enacted, That if upon such Examination of such Witnesses and hearing the Defence of such suspected Person, it shall appear to the Justice there is sufficient Proof of the Violation of the aforesaid Act by selling strong Drink without Licence, Judgment shall thereupon be made up against such Person, and he shall forfeit and pay in like Manner as if Process had been commenced by Bill, Plaint or Information before the said Justice.

Justice's
Power to
make up
Judgment
against sus-
pected Per-
sons.

And be it further enacted, That after any Person shall have been once convicted of selling strong Liquors without Licence contrary to said Act or to this additional Act, he shall upon every Offence after such first Conviction be obliged to enter into Bonds with one or more Sureties in the Penalty of *twenty Pounds* to His Majesty for the Use of this Government, that he will not in like Manner offend or be guilty of any Breach of the said Acts; and upon Refusal to give such Bond, he shall be committed to Prison until he shall comply therewith.

Offending
Persons to
enter into
Bonds after
first Con-
viction.

And in order to discourage and prevent any groundless or vexatious Suits that may be brought against the Farmer of Excise;

Be it enacted, That in all Actions that may be brought against the Farmer of Excise for any Breach or Neglect of his Duty in the Execution of his Office and Trust, he shall have Liberty to plead the general Issue, and thereupon give any special Matter in Evidence, and in Case Judgment shall be for the Defendant he shall recover treble Costs.

Farmer's Li-
berty to plead
the general
Issue.

And whereas sower Oranges are frequently used in Punch and other mixt Liquors, as well as Lemmons and Limes:

Be it therefore enacted, That every Person who shall after the Publication of this Act be licensed or shall renew their Licence as a Taverner or Retailer shall pay as a Duty for every Hundred of sower Oranges *two Shillings and a Penny*, and so *pro rata* for any less or greater Number, to be recovered in like Manner as is provided for the recovering the Duty laid on Lemmons and Limes.

Duty on
sower Oran-
ges.

And be it further enacted, That in Case of the Death of the Farmer of Excise in any County, the Executors or Administrators of such Farmer shall upon their taking such Trust of Executor or Administrator upon them, have and enjoy all the Powers, and be subject to all the Duties the Farmer

Provision in
Case of the
Death of any
Farmer.

had or might enjoy, or was subject to by Force of the Act afore-mentioned or of this additional Act.

Limitation. This Act to continue and be in Force until the twenty-ninth Day of June One Thousand seven Hundred and forty eight, and no longer.

[The two foregoing Acts were published February 3d. 1745.]

C H A P. XII.

An Act for inlisting the Inhabitants of *Dorchester, Weymouth* and *Charlestown* into His Majesty's Service for the Defence of *Castle William*, as Occasion shall require.

Preamble.

WHEREAS the Safety of this Province in a great Measure depends on the Strength of His Majesty's *Castle William*, and it is necessary that a great Number of Men skilful in the Management of the great Artillery should be always ready to attend there :

Inlisted Inhabitants of *Dorchester, Weymouth & Charlestown* to appear at *Castle William* on Occasion.

Be it enacted by the Governour, Council and House of Representatives, That all the Inhabitants of the Town of *Dorchester* who are by Law subject to common Musters and military Exercises, not exceeding fifty Years of Age, and such of the Inhabitants of the Towns of *Weymouth* and *Charlestown* as are willing to be inlisted (not exceeding one Hundred and twenty in the whole from the two last Towns) shall be inlisted under the present Captains or such other Officers as the Captain-General shall commissionate, who shall repair to *Dorchester-Neck* and be transported over to *Castle William* four Days in each Year, in such Months as the Captain-General shall order, and shall on the said Days be by the Gunner and Quarter-Gunners exercised in the mounting, dismounting, levelling, traversing and firing the great Guns, and shall be obliged hereunto, and to the Observance of such Orders as shall be given them in this Exercise, under the like Pains and Penalties that Soldiers are under to obey their Officers in said Castle in Time of Service.

Penalty for not attending.

And be it further enacted, That if any of the Men inlisted as aforesaid shall not duly attend at Time and Place for the Exercise of the great Artillery as aforesaid, being thereof notified and warned to appear, for every such Day's Neglect of Attendance, such Soldier shall pay to the Clerk of the Company for the Use thereof *five Shillings*.

Inlisted Persons excused other military Service &c

And for the Encouragement of the said Men that shall be inlisted and exercised as aforesaid :

Be it further enacted, That every Person so inlisted shall be excused from all other military Service, and from all Impresses into other Service that other Soldiers by Law are liable to.

Inhabitants of *Dorchester* to appear at *Castle William* upon an Alarm.

And be it further enacted, That upon any Alarm at *Castle William* every Man able of Body, as well those inlisted by Virtue of this Act, as also all others within the Town of *Dorchester*, except such Persons as are by Law obliged to attend upon the Governour for the Time being, shall forthwith appear compleat with their Arms and Ammunition according to Law at the said *Castle William*, there to attend and follow such Commands as shall be given for His Majesty's Service, and that on the Penalty of paying *five Pounds*

Alewives in Sandwich.

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Pounds to the Clerk of the said Company for the Use of the Province; the aforesaid Fines to be recovered before any Justice of the Peace or Court proper to hear and try the same.

This Act to continue and be in Force unto the End of the Sessions of the General Assembly to be begun and held on the last Wednesday in May, which will be in the Year One Thousand seven Hundred and forty eight, and no longer. Limitation

C H A P. XIII.

An Act for preventing the unnecessary Destruction of Alewives in the Town of Sandwich.

WHEREAS the Laws already provided against the Destruction of the Fish called Alewives, do not in divers Circumstances reach the Case of Herring-River in the Town of Sandwich, so that nevertheless great Waste is made of them by ill-minded Persons, to the great Damage of the Publick. Preamble.

To prevent which,

Be it enacted by the Governour, Council and House of Representatives, That from and after the Publication of this Act, no Person or Persons whomsoever shall, on any Pretence, presume to stretch, set or draw any Seine or Drag-Net, or set up any Wares or other fishing Engines in any Part of the River known by the Name of *Herring-River*, in the Town of Sandwich, or use any other Instrument for the catching Alewives but Dipping-Nets or Scoop-Nets, without first obtaining special Licence therefor by a Vote of the Inhabitants of said Sandwich legally assembled at their anniversary Meeting in March, nor in any Manner whatever, at any Time or Times, Place or Places thereof, but such as shall be determined and appointed at such Meeting, on Penalty of a Fine of five Pounds for each Offence, to be paid by every Person concerned in taking said Fish in either of the Ways forbidden by this Act, or in any other Place than such as shall be assigned by the said Town as aforesaid, and be recovered by Action, Bill, Complaint or Information in any Court proper to try the same. All Fines and Forfeitures arising by this Act to be disposed of, one Half for the Benefit of the Poor of said Town, the other to him or them who shall inform and sue for the same. No Person to set or draw any Seine, Net, &c. for catching Alewives in Herring River in Sandwich, without obtaining Licence.

Penalty for Offence.

And whereas a considerable Part of the Banks of said River is covered with thick Woods, and thereby so obscured as that Persons may frequently offend against this Act without being discovered, and thereby the good Design of it be defeated, unless special Provision be made therefor: Preamble.

Be it therefore enacted by the Authority aforesaid, That the Manner, Rules and Methods of Conviction of Offenders against this Act be the same as are directed and provided in and by an Act intitled *An Act in Addition to and for rendring more effectual an Act made in the tenth Year of the Reign of King WILLIAM the Third, intitled An Act for preventing of Trespases, made in the twelfth Year of the Reign of his late Majesty King GEORGE*. Method of Conviction, &c.

This Act to continue and be in Force for the Space of three Years from the Publication thereof, and no longer. Limitation.

C H A P.

Supply of the Treasury

C H A P. XIV.

An Act for supplying the Treasury with the Sum of *twenty Thousand Pounds*.

Preamble.

WHEREAS the large Sums with which the Treasury has already been supplied for defraying the Expence of the Expedition against Cape-Breton, and the necessary Charges consequent thereupon, have been found insufficient for those Purposes, and a considerable Sum still remains due from this Province :

20,000 l.
Bills of Credit to be emitted.

Be it therefore enacted by the Governour, Council and House of Representatives, That the Treasurer be and hereby is impowered and ordered to emit and issue forth the Sum of *twenty Thousand Pounds* in Bills of Credit of the last Tenor and Date now lying in his Hands, and received for Taxes, Impost and Excise, which shall pass in all publick Payments equal to other new Tenor Bills emitted since One Thousand seven Hundred and forty, or if there shall not be a Sufficiency of such Bills, that then the Committee appointed by this Court for signing Bills are hereby directed and impowered to take Care and make effectual Provision as soon as may be to imprint the said Bills, or so many as may be needed to compleat the said Sum, and to sign and deliver the same to the Treasurer, taking his Receipt for the same, and the said Committee shall be under Oath for the faithful Performance of the Trust by this Act reposed in them, and the said Sum of *twenty Thousand Pounds* shall be issued out of the publick Treasury pursuant to such Grants as this Court hath or shall hereafter make, for discharging such Debts as are or may be due from this Province in Consequence of the late Expedition against *Cape-Breton*.

Surplusage to lie in the Treasury.

And be it enacted, That if there be a Surplusage in any of this Sum appropriated, such Surplusage shall lie in the Treasury for the further Order of this Court.

Warrants to express the Appropriations.

And be it further enacted, That each and every Warrant for drawing this Money out of the Treasury, shall direct the Treasurer to take the same out of the aforesaid Sum as is directed, and no other, upon Pain of refunding all such Sum or Sums as he shall otherwise pay, and to keep exact and distinct Accompts of all Payments made out of the aforesaid Sum; and the Secretary, to whom it belongs to keep the Muster Rolls and Accompts of Charge, shall lay before the House when they shall direct, all such Muster Rolls and Accompts after Payment thereof.

And as a Fund and Security for drawing the aforesaid Sum of twenty Thousand Pounds into the Treasury again :

10,000 l. in 1755.

Be it further enacted, That there be and hereby is granted unto His most excellent Majesty for the Ends and Uses aforesaid, a Tax of *ten Thousand Pounds*, to be levied on Polls and Estates both Real and Personal within this Province, according to such Rules and in such Proportions on the several Towns and Districts within the same as shall be agreed upon and ordered by this Court at their Session in *May* One Thousand seven Hundred and fifty five, and paid into the publick Treasury on or before the last Day of *December* then next after.

And as a further Fund and Security for drawing the aforesaid Sum of twenty Thousand Pounds into the Treasury again :

Be

Supply of the Treasury.

Be it further enacted, That there be and hereby is granted unto His most excellent Majesty for the Ends and Uses aforesaid, a Tax of *ten Thousand Pounds*, to be levied on Polls and Estates both Real and Personal within this Province, according to such Rules and in such Proportions on the several Towns and Districts within the same, as shall be agreed upon and ordered by this Court at their Session in *May* One Thousand seven Hundred and fifty six, and paid into the publick Treasury on or before the last Day of *December* then next after. 10,000 l. in 1756.

And be it further enacted, That in Case the General Court shall not at their Session in *May* One Thousand seven Hundred and fifty five, and One Thousand seven Hundred and fifty six, agree and conclude upon an Act apportioning the several Sums which by this Act is engaged shall be in each of these several Years apportioned, assessed and levied, that then and in such Case each Town and District within this Province shall pay (by a Tax to be levied on the Polls and Estates both Real and Personal within their Districts) the same Proportion of the said Sums as the said Towns and Districts shall have been taxed by the General Court in the Tax Act then next preceeding; and the Province Treasurer is hereby fully impowered and directed some Time in the Month of *June*, in each of these Years One Thousand seven Hundred and fifty five, and One Thousand seven Hundred and fifty six, to issue and send forth his Warrants directed to the Select-Men or Assessors of each Town and District within this Province, requiring them to assess the Polls and Estates both Real and Personal within their several Towns and Districts, for their respective Part and Proportion of the several Sums before directed and engaged to be assessed by this Act; and the Assessors, as also Persons assessed, shall observe, be governed by, and subject to all such Rules and Directions as shall have been given in the next preceeding Tax Act. Tax for the Money here-by emitted to be made according to the preceeding Tax Act, in Case.

And be it further enacted, That the Inhabitants of this Province shall have Liberty, if they see fit, to pay the several Sums for which they respectively may in Pursuance of this Act be assessed in Bills of Credit of the Form and Tenor by this Act emitted, or in other new Tenor Bills, or in Bills of the middle Tenor according to their several Denominations, or in Bills of the old Tenor, accounting Four for One, or in coined Silver at *seven Shillings and six Pence* per Ounce Troy Weight of Sterling Alloy, or in Gold Coin proportionably, or in merchantable Hemp, Flax, Winter and Isle of Sable Cod-Fish, refined Bar-Iron, Bloomery Iron, hallow Iron Ware, Indian Corn, Rye, Wheat, Barley, Pork, Beef, Duck or Canvas, Whale-Bone, Cordage, Train Oil, Bees-Wax, Bayberry-Wax, Tallow, Peas, Sheep's Wool, or tann'd Sole Leather, the aforesaid Commodities being of the Produce or Manufactures of this Province, at such moderate Rates and Prices as the respective General Assemblies of the Years One Thousand seven Hundred and fifty five, and One Thousand seven Hundred and fifty six, shall set them at, the several Persons paying their Taxes in any of the Commodities afore-mentioned, to run the Risque and pay the Charge of transporting the said Commodities to the Province Treasury. But if the aforesaid General Assemblies shall not at their Sessions in *May*, some Time before the twentieth Day of *June*, agree upon and set the aforesaid Species or Commodities at some certain Prices, that then the eldest Councillor for the Time being in each of those Counties of the Province, of which any one of the Council is an Inhabitant, together with the Province Treasurer, or the major Part of them, be a Committee, who hereby are directed and fully authorized and impowered to do it, and in their setting the Prices and rating the Value of those Commodities, to state so much of them respectively at *seven Shillings and six Pence*, as an Ounce Taxes to be paid in the several Species herein enumerated.

[Y y]

How the Commodities brought into the Treasury are to be rated.

Commissioners of Sewers.

Treasurer to
sell the said
Commodi-
ties.

Ounce of Silver at that Time will purchase in the Town of *Boston*, and so *pro rata*; and the Treasurer is hereby directed to insert in the several Warrants by him sent to the Collectors of the Taxes in those Years respectively (with the Names of the afore-said Commodities) the several Rates or Prices which shall be set on them either by the General Assembly or the Committee afore-said, and direct the afore-said Collectors to receive them so; and the afore-said Commodities so brought into the Treasury shall as soon as may be, be disposed of by the Treasurer to the best Advantage for the most it will fetch in Bills of Credit hereby to be emitted, or any of the Bills of Credit afore-mentioned, or for Silver or Gold, which Silver and Gold shall be delivered to the Possessor of said Bills in Exchange for them: *That is to say*, One Ounce of Silver Coin, and so Gold in Proportion, for *seven Shillings and six Pence*, and so *pro rata* for a greater or less Sum; and if any Loss shall happen by the Sale of the afore-said Species, or by any unforeseen Accident, such Deficiency shall be made good by a Tax of the Year next following, so as fully and effectually to call in the afore-said Sum of *twenty Thousand Pounds* in said Bills hereby ordered to be emitted, and for which a Tax on Polls and Estates is in this Act laid as a Fund; and if there be a Surplusage it shall remain a Stock in the Treasury.

[The three foregoing Acts were published March 11th 1745.]

C H A P. XV.

An Act in addition to the Act intituled An Act for appointing Commissioners of Sewers.

Preamble:

WHEREAS the Water in some Rivers or Streams is raised and kept at such Height by Mill-Dams erected a-cross the same, that it has been found difficult to discover and impracticable to remove the Obstructions that occasion the overflowing of Meadows, whilst the Owners of such Dams have refused to empty their Mill Ponds by opening the Flood Gates or other sufficient Passage for the Water that had been raised by such Dams to flow out, by Means whereof Commissioners of Sewers have been much hindered in the Execution of their Trust, and the Owners of such Meadows have thereby in great Measure lost the Benefit intended by said Act:

Therefore for preventing the like Inconvenience for the future;

Commissioners of Sewers impowered to open Flood-Gates &c.

Be it enacted by the Governour, Council and House of Representatives, That when and so often as Commissioners of Sewers shall judge it necessary in order to the well executing their Trust in discovering or removing the natural Obstructions in Rivers or Streams over which any Mill-Dam is erected, that the Water which had thereby been stopt and raised above its usual Height should flow out, in such Case it shall be lawful, and such Commissioners are hereby impowered to open or cause to be opened the Flood-Gates, and to cause to be made and opened other needful Sluices or Passages in or about such Dam or Dams, and such Passages to keep open whilst they are using the proper Means for discovering or removing such Obstructions; as also for the more speedy draining of Meadows in Time of great Floods; and in such Manner as that the Owner or Owners of such Mill-Dam or Dams may suffer as little Inconvenience or Damage thereby as may be.

And

Laws revived.

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And be it further enacted, That if any Owner of such Mill-Dam shall suffer Dammage by the opening or keeping open such Sluices or Passages as aforesaid, the said Commissioners shall order him reasonable Satisfaction (by their Estimation) for such Dammage, and shall assess the same on the Proprietors of the overflowed Lands or Meadows, at whose Request and for whose Benefit such Commissioners were appointed, and to cause the same to be collected in Manner as in and by the said Act is provided for collecting of other Charges.

Owners of Mill-Dams opened to be allowed Dammages.

And be it further enacted, That the Owner or Owners of any Dam or Dams, or other Person whosoever, that directly or indirectly shall molest or hinder any such Commissioners (or others employed by them) in the Execution of the Power or Trust reposed in them by this or any former Act, by shutting up or stopping any Passage made or opened by them or by their Order for any the Purposes aforesaid, shall for each Offence forfeit and pay as a Fine to His Majesty for the Use of this Government the Sum of *twenty Pounds*, to be recovered by Bill, Plaint or Information in any Court proper to try the same, after the Manner of Conviction, and by the same Rules and Methods as are provided and directed to in an Act intituled *An Act in Addition to and for rendering more effectual an Act made in the tenth Year of the Reign of King WILLIAM the Third, intituled An Act for preventing of Trespases.*

Penalty for Owners of Mill-Dams who shall molest or hinder Commissioners in the Execution of their Power.

And whereas it has been found necessary in order to remove the natural Obstructions in Rivers and Streams, that the Course of the Water there be stopt (by Dams erected for that Purpose) during the Time that Workmen are employed in removing them;

Preamble.

Be it therefore further enacted, That it shall be lawful for Commissioners of Sewers when and so often as they shall find it needful to erect or cause to be erected any Dam or Dams upon or across any River or Stream wherein such Obstructions are found, for the greater Ease and Dispatch in removing them: Provided such Dam or Dams be taken down as soon as conveniently may be after the Work is finished, and meet Recompence be made (in Manner as aforesaid) for any Dammages that may thereby accrue to the Owner or Owners of the Land against or over which such Dam or Dams shall abutt or be erected, or which by Occasion of such Dam may happen for a Time to be overflowed with Water. *Saving always*, the Liberty of Appeal from any Orders or Determinations of the said Commissioners to the Governour and Council, as by the afore-mentioned Act in that Behalf is provided.

Commissioners impowered to erect Dams, provided &c.

Saving.

This Act to continue and be in Force for the Space of five Years from the Publication thereof, and no longer.

Limitation.

C H A P. XVI.

An Act for reviving and continuing sundry Laws of this Province in this Act mentioned expired or near expiring.

WHEREAS an Act was made and passed in the fourteenth Year of his present Majesty's Reign, intituled An Act in further Addition to an Act for regulating of Fences, &c. And another Act was made and passed in the sixteenth Year of his present Majesty intituled An Act in Addition to the several Laws of this Province relating to the supporting of poor and indigent Persons.

Preamble.

Persons.

Trial of Prisoners.

Persons. *And another Act was made and passed in the same Year intituled An Act to prevent firing the Woods : And another Act was made and pass'd in the same Year intituled An Act for the more easy Partition of Lands or other Real Estate given by Will and held in common and undivided among the Devisees : All which several Laws are expired or near expiring. And whereas the aforesaid Laws have by Experience been found beneficial and necessary for the several Purposes for which they were passed ;*

Limitation
of sundry
Laws.

Be it therefore enacted by the Governour, Council and House of Representatives, That all and every of the aforesaid Acts, and every Matter and Clause therein contained, be and hereby are revived, and shall continue and remain in Force until the last Day of *December*, which will be in the Year One Thousand seven Hundred and fifty two, and to the End of the Session of the General Court then next after.

[*The two foregoing Acts were published March 27th. 1746.]*

C H A P. XVII.

An Act empowering the Superiour Court of Judicature Court of Assize and General Goal Delivery at their present Term to proceed to the Trial of sundry Prisoners now in His Majesty's Goal in the County of Suffolk.

Preamble.

WHEREAS there are divers Persons now in Goal in the County of Suffolk, who were committed on Suspicion of Murders, Felonies, or other high Crimes and Misdemeanors perpetrated within the Body of that County, whereof if due Inquiry be not speedily made, great Inconveniencies may arise ; And whereas the Grand Jury impanelled and sworn at the Superiour Court of Judicature Court of Assize and General Goal Delivery holden at Boston for and within the County of Suffolk on the third Tuesday of February last, is by the said Court dismissed, but the said Court is not yet adjourned without Day :

Court's
Power to
proceed to
the Trial of
sundry Cri-
minals.

Be it therefore enacted by the Governour, Council and House of Representatives, That the said Court may and shall without Delay cause the usual Process to be made out for choosing and summoning a suitable Number of good and lawful Men of such of the Towns in the said County of Suffolk as have been accustomed to send Grand Jurors to the said Court (or of such Towns as the said Court shall think most proper to send their *Venires* unto) to serve as Grand Jurors at the said Court now holden at Boston aforesaid. And every Person duly chosen and returned on such *Venire* shall be and hereby is obliged to give his immediate Attendance accordingly, under the Penalty by Law already provided in Case of Grand Jurors upon their Default of Attendance : And the said Court shall impanel, swear and charge them to inquire of and present all Murders and other Felonies, high Crimes and Misdemeanours committed or done within the said County, and may proceed to the Trial of any Person or Persons that shall by such Grand Jury be presented, or indicted of or for any Murder or other Felony, high Crime or Misdemeanour, and give Judgment and award Execution thereupon according to the usual Course of the Law.

[*The foregoing Act was published April 26th. 1746.]*

B O S T O N : N. E. Printed and Sold by Samuel Kneeland and Timothy Green, by Order of His EXCELLENCY the GOVERNOUR, COUNCIL and House of REPRESENTATIVES. MDCCXLVI.